

ABSTRACT

Mulyanto, S.H., M.Hum., Triyanto, S.H., M.Hum., Ma'ruf Cahyono., S.H., M.H., and Indro Gutomo, S.H. (2010). **Model of People's Consultative Assembly's Role Strengthening Formulation in the Impeachment Process of President/Vice-president in the Indonesian State Structure System, Cooperation between Sebelas Maret University and People's Consultative Assembly of the Republic of Indonesia.**

The objective of the research is to arrange the model of People's Consultative Assembly's role strengthening formulation in the impeachment process of President/Vice-president in the Indonesian State Structure System. The model is based on the findings of a comprehensive comparative-study with an evaluative prescriptive approach.

The research is a descriptive evaluative one. It used an empirical research method with a qualitative approach. The research was conducted for one year. Its data consisted of primary and secondary ones. The former were attained from the informants i.e. the elements of People's Consultative Assembly, Constitution Justice, and Non-governmental Organizations which are concerned with the impeachment. The latter were obtained from magazines, reports, results of former related researches, and related regulations and laws. The data of the research were gathered through in-depth interview, questionnaire, focus discussion group, and library research.

The results of the research show that the mechanisms of the impeachment of President/Vice-president in the history of Indonesia's formerly prevailing Constitutions have differences. The 1945 Constitution, the 1949 Indonesian United Republic, and the 1950 Temporary Constitution did not explicitly regulate the impeachment mechanisms whereas the third amended 1945 Constitution in the post-reformation era has regulated the impeachment mechanisms as stated in Article 7B of the third amended 1945 Constitution. The model of Peoples' Consultative Assembly's role strengthening formulation in the impeachment process of President/Vice-president is manifested in the reformulation of the impeachment substances by improving the conceptualization of Peoples' Consultative Assembly as an administrative confirmation institution. In addition, in term of impeachment procedure, the minimum quorum limit should be changed so that to conduct an impeachment of President/Vice-president is not more difficult than to conduct an amendment of the 1945 Constitution.

Keywords: reformulation, People's Consultative Assembly, and impeachment

ABSTRAK

Mulyanto, SH., MHum., Triyanto, SH., Mhum, Ma'ruf Cahyono, SH., MH, dan Indro Gutomo, SH. (2010), Model Reformulasi Penguatan Peran Majelis Permusyawaratan (MPR) dalam Proses *Impeachment* Presiden dan/atau Wakil Presiden dalam Sistem Ketatanegaraan Indonesia, Kerjasama UNS dan MPR RI.

Tujuan penelitian ini untuk menyusun model reformulasi penguatan peran MPR dalam proses *impeachment* presiden dan/atau wakil presiden dalam Sistem ketatanegaraan indonesia. Model tersebut didasarkan pada temuan hasil studi komparasi secara komprehensif dengan pendekatan evaluatif preskriptif.

Penelitian ini menggunakan metode empiris dengan sifat penelitiannya deskriptif evaluatif dengan pendekatan penelitian kualitatif. Adapun waktu penelitian selama 1 tahun dengan data primer berasal dari informan yakni unsur MPR, Mahkamah Konstitusi, dan Lembaga Swadaya Masyarakat (LSM) yang concern terhadap *impeachment*. Adapun data sekunder berupa majalah, laporan, hasil penelitian terdahulu, peraturan perundang-undangan terkait. Instrumen pengumpul data menggunakan wawancara, kuesioner, *Focus Group Discussion* (FGD) dan studi kepustakaan.

Hasil penelitian menunjukkan bahwa mekanisme *impeachment* Presiden dan/atau Wakil Presiden dalam lintasan Konstitusi yang pernah berlaku di Indonesia memiliki perbedaan. Dalam ranah Konstitusi meliputi UUD 1945, Konstitusi RIS 1949 dan UUDS 1950 tidak secara eksplisit mengatur mekanisme *impeachment*, sedangkan pasca reformasi berdasar UUD 1945 Perubahan Ketiga sudah diatur secara eksplisit mekanisme *impeachment* sebagaimana terdapat dalam Pasal 7B. Adapun model reformulasi penguatan peran MPR dalam proses *impeachment* Presiden dan/atau Wakil Presiden dengan gagasan reformulasi substansi *impeachment* dengan melakukan pembenahan konsep MPR lembaga konfirmasi administratif sedangkan dari segi prosedural perlu perbuahan batas minimal quorum sehingga untuk melakukan *impeachment* tidaklah lebih sulit daripada melakukan perubahan UUD 1945.

Kata kunci : reformulasi, MPR dan *impeachment*